

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AQUAVIT PHARMACEUTICALS, INC.,

Plaintiff,

- against -

U-BIO MED, INC., et al.,

Defendants.  
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**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 9/4/2020

19 Civ. 03351 (VEC) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

The Court has viewed the proposal for next steps submitted by the parties (Dkt. 195, the “Plan”) and commends the parties for working cooperatively. Without addressing the issue of scope of the discovery sought by Plaintiff (which, if later remains an issue, can be dealt with at that time), the Court adopts the Plan in full.

Based on the issues to be resolved, there does not appear to be any basis for Defendants to serve discovery requests. If Defendants wish to do so, however, Defendants shall serve their proposed requests in conformity with the Plan; the parties shall meet and confer in conformity with the Plan; and if the parties cannot agree on if or to what extent Defendants’ requests should be permitted, they shall raise the issue with the Court at the same time they raise any issues remaining about the discovery sought by Plaintiff. To be clear, the Court is not authorizing any discovery sought by Defendants, but will entertain the issue in the absence of agreement by the parties.

SO ORDERED.

9/4/2020

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: September 4, 2020  
New York, New York

Copies transmitted to all counsel of record.